

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

May 1, 2006

CALL TO PODIUM:

Tony Tomasello

RESPONSIBLE STAFF:

Tony Tomasello
Assistant City Manager
Cindy Hines
Olde Towne Coordinator

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Gaithersburg Day Laborer Task Force Report – Policy Discussion

SUPPORTING BACKGROUND:

The report of the Gaithersburg Day Laborer Task Force was presented at the work session of April 10, 2006. Staff was directed to review the report with appropriate City and County staff members and then come back before the Mayor and Council.

A staff memorandum that identifies a number of implementation issues and a chart of possible action steps are attached.

DESIRED OUTCOME:

Hold Policy Discussion; Select Preferred Option; Discuss Implementation Steps

Memorandum to: Mayor & City Council

From: Tony Tomasello

Via: David B. Humpton

Date: April 26, 2006

Re: Day Laborer Task Force Report – Policy Discussion

The report of the Gaithersburg Day Laborer Task Force was presented at the work session of April 10, 2006. Subsequently, staff was directed to review the report with appropriate City and County staff members and then come back before the Mayor and Council on May 1. At that meeting, the Council will determine the City's preferred option and discuss possible implementation steps for the course of action selected.

Briefly, the Task Force proposed three possible options. These include –

1. A “limited service” day laborer facility coupled with “anti-solicitation” legislation that would attempt to compel these workers to use the facility as the only such gathering spot in the City.
2. Creation of a “Day Labor Policy” document that would guide current and future decisions relating to day laborers and which would create zoning and permitting guidelines for centers.
3. A “full service” facility that would offer a full range (legal, job training, education, etc.) of services on-site.

Discussions have been held with representatives from Montgomery County and City staff from the Planning and Code Administration, Human Services Division and Police Department, as well as the City Attorney. These discussions have been very useful in identifying challenges to implementation of the individual options. Several factors which may influence the Council's deliberations repeatedly arose during the review and are described herein. While these will certainly not be the only challenges, they appear to have the broadest effects on the process and need to be addressed as quickly as possible.

Site Location Criteria The location criteria are quite restrictive and staff analysis has concluded that there are few, if any, readily-available sites that would qualify. Additionally, certain criteria are in at least partial conflict with one another and some may be difficult to implement because they are vague. Examples include provisions for proximity to public transportation but exclusion of sites in zones where most such transit routes exist, and a stipulation that centers in retail locations have “no adverse effect” on the retail center or adjacent properties; it is not clear how this could be defined.

Montgomery County has reiterated its continuing interest in working with the City on a day laborer center. County staff did express their position that site selection will be the responsibility of the City, with the County stepping in to evaluate whatever site(s) we provide to them, negotiate with property owners, etc.

Selection of Center Operator Selection of a center operator would be coordinated and funded by Montgomery County. The report recommends that a “faith-based” contractor be retained to operate the center anticipated in Option 1 and there is also language relating to zoning and permitting of a center by a “faith-based organization with roots in the City of Gaithersburg” in Option 2.

The County has in the past awarded contracts to run the existing centers on a direct basis without competitive bidding. County staff has indicated that they would consider awarding a contract to run a local center on a competitive basis but that limiting the pool of potential bidders only to faith-based organizations may be a problem. If the contract does go out to bid, we may expect it to be open to all qualified groups.

Ordinances and Zoning All of the options presume some level of action to create new ordinances (including zoning). The City Attorney has already begun looking into the viability of the anti-solicitation ordinances envisioned by the report that would work in conjunction with zoning ordinances establishing this use. She is also researching whether this use can be limited to a special exception, as the report recommends.

Short Term vs. Long Term Solution Another matter that has arisen during staff review is the timing of implementation of any of the options. Implementation of Option 1 or Option 3 is likely to take some time to complete site selection, award a contract, etc. We would like to get feedback on whether there is support for a short term solution that could be in place quickly while we go through the process (if a center-based option is selected), but that might not meet as many criteria of a long term site.

Staff recommends that the Council come to a final decision on the preferred option during the Policy Discussion on May 1st. This will allow us to proceed with implementation of action steps. Staff has prepared and attached a list of possible action steps for each option and will be prepared to add or delete steps as necessary during the discussion.

Gaithersburg Day Laborer Task Force Practical Options Action Steps

Option 1 – Limited-Service Center	Option 2 – Day Labor Policy	Option 3 – Full-Service Center
Site Selection (City) <ul style="list-style-type: none"> Identify potential sites Work with County on feasibility 	Policy Document <ul style="list-style-type: none"> Develop draft Mayor and Council approval by resolution 	Site Selection (City) <ul style="list-style-type: none"> Identify potential sites Work with County on feasibility
Operator Selection (County) <ul style="list-style-type: none"> Identify pool of applicants Develop RFP ranking factors Advertise RFP Select contractor 	Ordinances and Zoning <ul style="list-style-type: none"> City Attorney to research viability of anti-solicitation ordinances, their use in conjunction with zoning ordinances, and whether center can be limited to special exception 	Operator Selection (County) <ul style="list-style-type: none"> Identify pool of applicants Develop RFP ranking factors Advertise RFP Select contractor
Ordinances and Zoning <ul style="list-style-type: none"> City Attorney to research viability of anti-solicitation ordinances, their use in conjunction with zoning ordinances, and whether center can be limited to special exception 	Establish Community Advisory Group	Ordinances and Zoning <ul style="list-style-type: none"> City Attorney to research viability of anti-solicitation ordinances, their use in conjunction with zoning ordinances, and whether center can be limited to special exception
Establish Community Advisory Group		
Develop list of existing social services available to community		